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April 30, 2007

Ms. Marlene Dortch
Secretary
Federal Communications Commission *via ECFS*
445 12th Street, S.W.
Washington, D.C. 20554

RE: American Cable Association ("ACA"); Notice of Ex Parte Presentation; MB Docket No. 07-29; MB Docket No. 07-18; CS Docket No. 97-80; RM-11203

Dear Ms. Dortch,

Under 47 CFR § 1.1206(b), we electronically provide this notice of an ex parte oral presentation in the dockets listed above. On April 18, 2007, the following individuals met with Commissioner Deborah Taylor Tate and Chris Robbins, legal advisor to Commissioner Tate:

Bruce Beard, outside legal counsel to ACA
Scott Friedman, outside legal counsel to ACA
Tom Larsen, Mediacom
Nicole Paolini-Subramanya, outside legal counsel to ACA
Jim Penney, Wave
Jeff Ross, Armstrong Cable

The purpose of the meeting was to discuss current developments and issues of concern to ACA and its members, including retransmission consent, access to programming, set-top box regulation, and video competition. The presentation included a discussion of a handout summarizing these issues. We attach a copy of that handout to this letter.

Sincerely,

_______/s/____________

Emily A. Denney

cc via email:

Chris Robbins (Chris.Robbins@fcc.gov)

American Cable Association

Independent Companies. One Voice.

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FCC Issues
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American Cable Association. ACA represents nearly 1,100 independent cable companies serving more than 8 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states, and in virtually every congressional district. The companies range from family-run cable businesses serving a single town to multiple system operators focusing on smaller markets. More than half of ACA's members serve fewer than 1,000 subscribers. All ACA members face the challenges of upgrading and operating broadband networks in lower-density markets.

The following issues most concern ACA's members and their subscribers:

Programming Flexibility. For ACA members, access to all programming on reasonable prices, terms and conditions is critical to delivering competitive programming packages to consumers. To understand why cable companies cannot offer more choices to consumers, the Commission should scrutinize wholesale programming practices. ACA supports the extension and expansion of the Program Access rules prohibiting exclusive programming contracts.

ACA also supports the imposition of conditions on the Liberty/Direct TV merger to constrain the abuse of market power and the associated public interest harm. The Commission should use the Hughes/News Corp. conditions as a model, expanding and adjusting those conditions to remedy gaps and loopholes in the model that have become evident over the past 3 years.

Set-top Box Waivers. The separable security mandate raises costs to consumers and impedes digital deployment in the small and medium-sized markets served by ACA members. ACA supports the granting of waivers and deferrals for operators serving those markets. In addition, many smaller ACA members rely on more affordable refurbished boxes to support their digital deployment. The FCC should clarify that deployment of a refurbished set-top box does not violate the integration ban.

Retransmission Consent Reform. Broadcasters are targeting smaller and medium-sized cable companies with unprecedented fees for retransmission consent for "must have" network signals. This conduct is increasing the costs of basic cable and harms consumers in the small and rural markets served by ACA members. DBS operators can tier broadcast channels, which allows DBS customers to choose whether to pay for these channels. Cable customers should have the same choice. In addition, ACA's Petition for Rulemaking on retransmission consent has been pending since March 2005.

ACA continues to advocate retransmission consent reform.

Universal Service Fund. ACA members are using VoIP technology to deploy the first competitive voice services in smaller and rural markets. But unlike wireline customers, VoIP customers are not eligible for USF subsidies for their voice services. Universal Service funding should be technologically neutral. Further, the interim safe harbor, on which virtually all ACA members must rely, is inappropriately high at 64.9% and artificially raises the cost of providing competitive voice services in smaller and rural markets.